

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 RACHEL MARIE WHITTED,

4 Plaintiff

Case No. 3:21-cv-00033-MMD-WGC

ORDER

5 v.

6 LAURA,

7 Defendant
8

9 **I. DISCUSSION**

10 This action began with a pro se civil rights complaint filed pursuant to 42 U.S.C. §
11 1983 and an incomplete application to proceed *in forma pauperis*. (ECF Nos. 1, 1-2.) On
12 January 21, 2021, the Court ordered Plaintiff to file a complete application to proceed *in*
13 *forma pauperis*, or pay the filing fee in full by March 29, 2021. (ECF No. 3.) Plaintiff failed
14 to file a complete application to proceed *in forma pauperis*, or pay the filing fee, and on
15 March 30, 2021, the Court dismissed this action without prejudice and closed this case.
16 (ECF Nos. 7, 8.)

17 Plaintiff has now filed an application to proceed *in forma pauperis*. (ECF No. 9.)
18 Because this case has been dismissed in its entirety, the Court denies Plaintiff's motion
19 to proceed *in forma pauperis* as moot. However, for Plaintiff's benefit, the Court notes
20 that because this case has been dismissed without prejudice, Plaintiff is free to pursue
21 his claims in a new action by filing a complaint and an application to proceed *in forma*
22 *pauperis* in a new case.

23 **II. CONCLUSION**

24 For the foregoing reasons, it is ordered that Plaintiff's application to proceed *in*
25 *forma pauperis* (ECF No. 9.) is denied as moot.

26 It is further ordered that the Clerk of the Court send Plaintiff the approved form for
27 filing a § 1983 complaint, instructions for the same, and a copy of his original complaint
28 (ECF No. 1-2), as well as the approved form application to proceed *in forma pauperis* by

1 an inmate, the document entitled information and instructions for filing an *in forma*
2 *pauperis* application, and a copy of his motion to proceed *in forma pauperis* (ECF No. 9).
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4 DATED THIS 5th day of May 2021.

5 *William G. Cobb*

6 UNITED STATES MAGISTRATE JUDGE
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